

Article - Business Regulation

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§19–303.

(a) (1) A person may register:

(i) a class of returnable containers if:

1. the person owns or deals in goods handled or delivered in a returnable container; and

2. the returnable container has an identifying name, mark, or device securely attached, impressed, or imprinted; or

(ii) a class of returnable textiles, if the person:

1. is in the business of regularly supplying clean laundered returnable textiles; and

2. periodically exchanges the clean returnable textiles for soiled returnable textiles.

(2) A person who has registered a returnable container or returnable textile under State law is not required to reregister the returnable container or returnable textile.

(b) To register a returnable container or returnable textile a person shall:

(1) (i) prepare a clear statement of the character of the returnable container or returnable textile; and

(ii) prepare a comprehensive description of the identifying name, mark, or device attached, impressed, imprinted, woven, or produced;

(2) sign and acknowledge the comprehensive description before an officer qualified to take an acknowledgment to deeds in the State;

(3) publish the signed and acknowledged comprehensive description:

(i) in two successive issues, in different weeks, of a newspaper published in the county in which the principal office, place of business, or agency of the person is located; or

(ii) twice a week for 2 successive weeks in a daily newspaper published in Baltimore City if the principal office, place of business, or agency of the person is located in Baltimore City; and

(4) file with the Secretary of State the comprehensive description and a certificate of publication, certified by the owner or manager of the newspaper in which the comprehensive description was published.

(c) A person may transfer a registration by filing a copy of the assignment or transfer with the Secretary of State.

(d) (1) The Secretary of State shall record each:

(i) comprehensive description filed under subsection (b) of this section;

(ii) certificate of publication filed under subsection (b) of this section; and

(iii) transfer filed under subsection (c) of this section.

(2) On application, the Secretary of State shall provide to the applicant a certified copy of a recorded filing.

(3) The Secretary of State shall establish reasonable fees:

(i) for recording under this section; and

(ii) for providing copies of records filed under this section.

(e) A certified copy of a comprehensive description and a certificate of publication or of a transfer with the seal of the Secretary of State attached is:

(1) evidence that the person complied with this subtitle; and

(2) prima facie evidence of:

(i) title to or right to use, collect, or deliver the corresponding returnable containers; and

(ii) title to the corresponding returnable textiles.

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